

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF MISSOURI,
STATE OF ARKANSAS,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF NORTH DAKOTA,
STATE OF OHIO, and
STATE OF OKLAHOMA

Plaintiffs,

v.

JOSEPH R. BIDEN, Jr., in his official
capacity as President of the United States,

MIGUEL A. CARDONA, in his official
capacity as Secretary, United States
Department of Education, and

UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

Civil Action No. 24-cv-520

**PLAINTIFF STATES' MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT FOR
THE MEMORANDUM IN SUPPORT OF THEIR MOTIONS FOR A STAY OR, IN
THE ALTERNATIVE, A TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

Under Local Rule 4.01(D), a party may file “any motion, memorandum, or brief which exceeds fifteen (15) numbered pages” with leave of the Court. Plaintiff States respectfully request such leave for their memorandum in support of their motions for temporary restraining order and preliminary injunction (filed concurrently with this motion). Because the legal issues are complex and significant—involving the legality of a federal agency asserting broad authority to cancel hundreds of billions of dollars of debt—leave is appropriate.

As explained in Plaintiff States’ memorandum, Defendants’ unlawful Final Rule is already inflicting ongoing harms on Plaintiffs, and threatens to immediately impose additional injuries when it goes into full effect in two months. To stop the existing harm, and further prevent imminent injuries, Plaintiffs brought this suit. To show their entitlement to relief, Plaintiff States must analyze Defendants’ authority under the Higher Education Act of 1965 (“the HEA”), and its many amendments, as well as Defendants’ Final Rule, titled “Improving Income Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan (FFEL) Program.” *See* 88 Fed. Reg. 43,820. This lawsuit raises constitutional, statutory, and procedural claims. The analysis also develops four theories of standing for the plaintiffs.

In short, the issues raised in the Plaintiff States’ memorandum are complex and significant, and so require more than 15 pages to explain. *See Monsanto Co. v. E.I. DuPont de Nemours & Co.*, 2012 WL 5397601, at *9 (E.D. Mo. Nov. 2, 2012) (“Recognizing the complexity of the action and the significance of the issues involved, this Court granted [the] request for a substantial expansion of the briefing page limitations.”). For these reasons, Plaintiff States respectfully ask the Court to grant leave to file a memorandum that exceeds 15 pages. The memorandum is 50 pages long, excluding tables, signatures, and certificates of service and compliance.

On April 16, 2024, Plaintiffs conferred with counsel for Defendants on this motion. They take no position.

Date: April 16, 2024

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CERTIFICATE OF SERVICE & COMPLIANCE

I certify that on April 16, 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, consistent with Federal Rule of Civil Procedure 5(b).

I further certify that the foregoing document contains 309 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Joshua M. Divine

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